



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 188-2014

A By-law to amend the Noise By-law 93-84, as amended
In order to permit exemptions to the By-law

Recitals:

Subsection 11(2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (the "Municipal Act, 2001") permits a local municipality to pass by-laws respecting the health, safety and well-being of persons;

Section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers where the council of the municipality is of the opinion that the power being delegated is of a minor nature;

Subsections 129 (1) and (2) of the *Municipal Act, 2001* permit a municipality to prohibit and regulate, among other things, with respect to noise and vibrations and to prohibit them unless a permit is obtained on which conditions may be imposed;

The Corporation of the City of Brampton has adopted Noise By-law 93-84, as amended;

The Corporation of the City of Brampton wishes to exempt persons from the restrictive provisions of the By-law who have obtained, and are operating in compliance with an Environmental Compliance Approval or Certificate of Approval;

The Corporation of the City of Brampton wishes to delegate the authority to grant exemptions to the restrictive provisions in the By-law to the Chief of Planning and Infrastructure Services, or designate;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

1. By-law 93-84, as amended, is further amended by adding the following:

"4.1 Sections 1, 2 and 3 of this By-law shall not apply to a person who emits or causes or permits to be emitted any noise or vibration for which:

- (a) an Environmental Compliance Approval, Amended Environmental Compliance Approval, Certificate of Approval or Amended Certificate of Approval has been obtained from the Province of Ontario's Ministry of the Environment that specifically applies to the plant, structure, equipment, apparatus, mechanism or thing that is emitting the noise or vibration; and
- (b) the plant, structure, equipment, apparatus, mechanism or thing that is emitting the noise or vibration is being operated in compliance with the Environmental Compliance Approval, Amended Environmental Compliance Approval, Certificate of Approval or Amended Certificate of Approval."

2. By-law 93-84, as amended, is further amended by adding the following:

"4.2(1) The Chief of Planning and Infrastructure Services, or designate is delegated the authority to grant an exemption to sections 1, 2 and 3 of this By-law subject to the following conditions:

- (a) a complete application in writing has been received for the exemption;
 - (b) receipt of written confirmation that all property owners within a 500 metre radius of the point from which the noise or vibration will be emitted have been notified in a form and manner satisfactory to the Chief of Planning and Infrastructure Services, or designate;
 - (c) receipt of the name and contact information for a contact person(s) that will be available during all normal business hours and at all times while the noise and vibration is being emitted to address any concerns raised by persons within the area where the noise or vibration is heard or felt;
 - (d) any other condition, including daily hours of operation and duration of the exemption, that the Chief of Planning and Infrastructure Services, or designate believes is reasonable given the location of the point from which the noise or vibration will be emitted and the surrounding land uses.
- (2) In addition to subsection (1), the Chief of Planning and Infrastructure Services, or designate may refuse an application for an exemption that does not meet the conditions and may reconsider a refusal if further information is provided by the applicant that would meet the conditions.
- (3) Council is of the opinion that the delegation under subsections (1) and (2) are minor in nature.
- (4) An application for an exemption shall be made in writing and contain the following information:
- (a) the name and address of the applicant;
 - (b) a description of the source of the source of the noise or vibration in respect of which an exemption is being sought;

- (c) the daily hours of operation and the duration of time for which the exemption is being sought;
 - (d) a copy of the public notice or notification plan required under subsection 4.2 (1) (b);
 - (e) the information regarding the contact person required under subsection 4.2 (1) (c); and
 - (f) any other reasonable information that the Chief of Planning and Infrastructure Services, or designate may consider appropriate.
- (5) The Chief of Planning and Infrastructure Services, or designate shall prescribe all forms and notices necessary to implement exemptions under this by-law and may amend such forms and notices from time to time as he or she deems necessary."

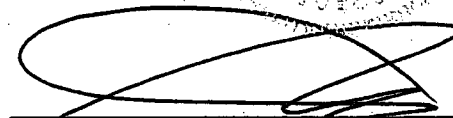
3. This by-law comes into force and effect on its passing by Council.

READ a FIRST, SECOND and THIRD TIME and PASSED in OPEN COUNCIL,
this 18TH day of June, 2014.

Approved as to
form.
June 18/2014
REZ

Approved as to
content.
June 17/2014
Bob


S. Fennell, Mayor


Peter Fay, City Clerk